IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 944 of 2005

For Approval and Signature:

HON'BLE MR.JUSTICE JAYANT PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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HAMIDABEN I. PATEL - Applicant(s)

Versus

THE STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :

PARTY-IN-PERSON for Petitioner No(s).: 1.

Mr.Gohil,Addl.PUBLIC PROSECUTOR for Respondent No(s).: 1.

NOTICE NOT RECD BACK for Respondent No(s).: 2, 3,4.

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CORAM : HON'BLE MR.JUSTICE JAYANT PATEL

Date : 28/07/2005

ORAL JUDGMENT

1.Rule. Mr.Gohil, Ld.APP waives service of rule for respondent No.1. With the consent of parties, matter is taken up for final hearing today.

2.The petitioner-party in person is also a press reporter of weekly newspaper, namely, “Crime Thriller”. It is

the case of the petitioner that as a press reporter she wanted to get certain information in connection with C.R.No.I-509/04 registered with the Ellisbridge Police Station. It is the case of the petitioner that the petitioner initially approached the respondent No.4-P.I of Ellisbridge and thereafter she has also received a threat on her mobile from one Mr.Gopal Shetty and she has been warned not to inquire further in connection with the said complaint. It may be recorded that the charge sheet is also filed by the police in connection with the aforesaid CR No.I-509/04 of Ellisbridge Police Station. As per the petitioner, she is desirous to have papers of charge sheet for reporting in the press. As per the petitioner, after having received the threat the petitioner has also filed the complaint vide CR No.3123/05 with the Karanj police station and the petitioner has submitted that thereafter no proper action is taken and she has also submitted an application to the Police Commissioner, Ahmedabad city-respondent No.3 herein for providing police protection. The petitioner apprehends that she being lady press reporter if immediate action is not taken by the police for providing police protection her safety may not be maintained and therefore this petition.

3.I have heard the petitioner who has appeared as party

in person and I also have heard Mr.Gohil, Ld.APP for respondent-State. Mr.Gohil, Ld.APP, at the outset, submitted that so far as the papers of charge sheet are concerned, same are already submitted in the court and therefore the petitioner can get the copy if it is so directed to the court where the matter is pending. Mr.Gohil submitted that as such for providing police protection, if appropriate direction is issued by this court, same will be inquired into and the Police Commissioner. Ahmedabad city shall take necessary steps in this regard. He also submitted that a FIR is registered for the threat received by the petitioner vide CR No.3123/05 with Karanj Police Station and the investigation will be made in accordance with law.

4. Having considered the above, it appears that so far as giving copy of FIR and papers of charge sheet is concerned, since the matter is already filed in the court and as the petitioner is desirous to make use of the papers of the charge sheet for bonafide purpose as a press reporter, she can apply to the concerned court before whom the matter is pending. As such, in normal circumstances, parties to the proceedings would be entitled to get copy of the court record. However, as the present case is pertaining to the criminal prosecution and when the papers are already submitted

in the court by police with the charge sheet, if the certified copies of said papers are supplied to the petitioner on payment necessary charges, no serious prejudice would be caused to either party. The only condition which the court may impose while supplying the copy of charge sheet is to give undertaking to the court that the same will be used only for bonafide purpose of the press reporter and no undue benefit shall be taken by the petitioner in the capacity as press reporter.

5. So far as providing police protection is concerned, in any case, the petitioner would be entitled to if it is satisfactorily demonstrated to the police that the safety of the petitioner is in danger. The filing of complaint vide CR No.3123/05 with Karanj Police Station of receiving threat can be said as a reasonable basis for threat received by the petitioner and therefore at least it would be required for the police to take necessary action not only in connection with the complaint filed by the petitioner but it would also be required for the police to ensure that the safety of the petitioner is not to be jeopardised on account of antisocial elements or any person who is desirous to see that the petitioner in her capacity as a press reporter may not be in a position to inquire in

connection with the complaint vide CR No.509/04 of Ellisbridge Police Station. I find it proper to leave the matter at that stage leaving it to the concerned police officer to take appropriate steps in this regard. Suffice it to say that it would be for the police officer concerned to inquire in connection with the complaint filed by the petitioner and to see that the safety of the petitioner is properly taken care of.

6. In view of the above, it is hereby directed that if the petitioner applies for certified copy of the FIR and/or papers of charge sheet in connection with the CR No.509/04, dated 14.7.04 registered with Ellisbridge Police Station to the court concerned, same shall be supplied to the petitioner after payment of necessary charges for such purpose within a period of 15 days from the date of receiving such application and from the date of depositing of amount for certified copy.

However, in the application which may be made by the petitioner to the court concerned, an undertaking shall be given by the petitioner to the court that she will make use of such copies which may be supplied by the court to her for her bonafide use as a press reporter, and she shall not take any undue benefit of said papers as press reporter and shall not use the same for any yellow journalism or threatening any witness etc.

7. The respondent No.3-Police Commissioner, Ahmedabad City is directed to ensure that proper investigation is made in connection with the complaint vide CR No.3123/05 registered with Karanj Police Station filed by the petitioner and appropriate action in accordance with law is taken against the alleged accused.

8. If the petitioner makes application to the Commissioner of police, Ahmedabad City together with the copy of the order of this court for providing police protection, the respondent No.3-Police Commissioner, Ahmedabad City shall take immediate action not later than 48 hours from the receipt of such application from the petitioner for ensuring that the safety of the petitioner is not put to jeopardy and necessary police protection, if required, is provided to the petitioner.

9. Petition is allowed to the aforesaid extent. Rule is made absolute accordingly.

(JAYANT PATEL,J)

28.7.05/Murty